



Speech by

Hon. STEVE BREDHAUER

MEMBER FOR COOK

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TRANSPORT [BUSWAY AND LIGHT RAIL] AMENDMENT BILL

Hon. S. D. BREDHAUER (Cook—ALP) (Minister for Transport and Minister for Main Roads) (2.31 p.m.), in reply: I thank all honourable members for their contributions to the debate on the Transport (Busway and Light Rail) Amendment Bill. Obviously, I want to take up a couple of issues that members have raised.

I will deal first of all with the contribution by the shadow Minister, the member for Gregory. I will deal with the compensation issue first, because that seems to be causing some anxiety. The first thing I should say with respect to the compensation issue is that when we came to Government the Briztram Bill which had been introduced into this Parliament would have given effect to the previous coalition Government's ideas for the introduction of Briztram. That Bill was silent on the issue of compensation. All the compensation provisions which the member for Gregory anticipated as Minister when introducing the Briztram Bill were covered by other Acts such as the Transport Infrastructure Act or the Land Acquisition Act. They contain the current provisions which are the precedents I referred to when the member for Clayfield was on his feet.

When the current shadow Minister introduced the Bill when the coalition was in Government, he thought those compensation provisions were adequate for his proposal to introduce a light rail network in the Brisbane area. When this Government went through the light rail process, we had representations from a range of people, including the Property Council, UDIA and others who were concerned about those compensation issues. The compensation provisions contained in this Bill are actually of a higher order, if I can describe them as that, than previously existed for compensation arrangements under any legislation in this State in the past. Importantly, they are of a higher order than was anticipated by the member for Gregory when he was the Minister for Transport.

Notwithstanding that, I acknowledge that when we briefed the member for Gregory and a number of other coalition members on compensation issues he raised a couple of concerns with us which we have sought to take into account in the amendments that I bring before the Parliament today. One example is that, under the previous provisions, it was not possible for someone to claim compensation until construction had finished. When a person's property was occupied during construction, they could not claim compensation until after construction had finished. We will amend the legislation so that people can claim compensation during the construction process. We have effectively taken this issue further than the coalition Government would have if the Briztram Bill had been passed in 1998. I do acknowledge the concerns that the member has raised, but the issues raised by some people, including the Property Council, and by some members of the coalition—

Mr Johnson: Including amenity?

Mr BREDHAUER: If we were to contemplate compensating people for loss of amenity and loss of trade during the construction of projects, there would be no projects. I ask members to imagine if we had to compensate every person who had suffered a loss of trade as a result of constructing the Pacific Motorway. That would have doubled the cost of the Pacific Motorway. It would be the same if we had to compensate everybody for loss of trade or business associated with the South East Transit Project. Part of the reason why these principles have been applied and supported by those opposite is that most of them go back to their time in Government prior to the late 1980s. In relation to this issue, in most cases there is a benefit to these people after construction.

Mr Johnson: They need it to survive.

Mr BREDHAUER: I understand that is an issue, but the reality is that, when the member opposite was the Minister and under the principles of compensation which applied under the coalition Government in both its last term and in previous terms prior to the late 1980s, these principles were well established. The passage of this Bill will not establish a new precedent, which is what the member for Clayfield asserted. The only precedent that this Bill sets is that, because of the light rail initiative, compensation will be provided for loss of access if people had loss of access as a result of the light rail going past their business.

These are higher order compensation provisions than have ever existed in the past. People who have said that we are taking away people's rights misunderstand the principles of compensation which have applied to acquisition and property impacts by infrastructure projects in the past. It is not in fact true to say that we are taking away people's rights. However, we are making it very clear what people's rights are and under what terms and conditions they can claim compensation.

Mr Johnson: What state of agreement did you reach with the Property Council of Queensland at the consultation phase? Did you reach total agreement, or does it still have reservations? What was the final outcome?

Mr BREDHAUER: I do not think I could ever please the Property Council and Ross Elliott, to be quite honest. And to be quite blunt, neither would I seek to try to please Ross Elliott all the time. I have found him to be a difficult person to deal with at times. Notwithstanding that, however, the reality is that we talked to the Property Council on a number of occasions with individual constituents, I guess, of the Property Council, that is, businesses which would be directly affected by the light rail project.

I will give an example. A breakfast was held three or four months ago which was attended by my director-general, Bruce Wilson. During that breakfast—it was hosted by the Property Council; there were about 200-odd people in attendance—Ross Elliott got up and criticised the State Government and the light rail project in particular. Bruce Wilson defended the light rail project and the Government's position at that time. I might say that he got a very strong round of applause from the 200-odd people at the breakfast. I would not claim that we have sorted out all of the Property Council's problems. By the same token, having taken the decision to terminate the Brisbane light rail project when we did, we have not had further consultations on those specifics with the Property Council since that time.

The member for Gregory also talked about the concerns raised by the Brisbane City Council. The member in fact alluded to a suggestion that the Lord Mayor had scuttled the project. That is not true. I know that Jim Soorley has some problems with it. We are working through them. I addressed a Civic Cabinet meeting in respect of this issue. The last information we had from the Lord Mayor and the Civic Cabinet after that was that they would support the light rail project, and they outlined some conditions. My department and I are confident that we can meet those conditions. Yes, the Lord Mayor was driving a hard bargain, if you like. He wanted certain conditions. We believed that we could meet those conditions. That is not the reason we did not proceed with the project, because we believed we could meet those conditions.

Mr Johnson: Why did you really not proceed with it? Is there a reason?

Mr BREDHAUER: Yes, and this has been publicly stated often. The main reason is that each of the consortia, when they came back with their bids, was looking for a State Government contribution of the order of \$80m or more in excess of what we had budgeted. So the cost of the project to the State Government was going to be of the order of at least \$80m more than we had budgeted for. We sat around the Cabinet table, as the member opposite would have done on many occasions, and anticipated that it would cost us X number of dollars. We would get so much from the private sector, so much from the Brisbane City Council and \$65m from the Federal Government through the Centenary of Federation Fund. Then I had to go back to Cabinet and say, "If we are going to do this, it is going to cost us another \$80m." Cabinet decided on that basis that we would not proceed.

The Property Council brought to our attention concerns about disruption to traffic during the construction phase. The issue about light rail causing congestion is an important one for people to understand. Yes, light rail takes up road space. There is no question about that. The whole reason for wanting to proceed with light rail now was that the Brisbane City Council's construction of the City/Valley bypass will take congestion off city streets. We sought to use that opportunity to take up the road space for the light rail public transport initiative. Then we would get people out of their cars and onto the public transport modes.

There will always be congestion on the roads. I could build 10 new freeways around south-east Queensland but all that would do is encourage every bugger to get in their cars and drive into town. Before too long we would again have congestion. So the idea was to take up some of the road space made available by eased traffic congestion as a result of the City/Valley bypass and put the public transport in place so that people had an alternative to using their cars.

So, yes, there would have been congestion issues during the construction phase. We have had that during the South East Transit Project. We have had it from time to time on the Pacific Motorway. It is an unavoidable impact of construction. We are going to have congestion. That is the reality. The population in south-east Queensland is going to double in the next 12 years and congestion will continue to grow. This is about trying to moderate the rate of growth of congestion with public transport initiatives.

A suggestion was made that people's property values would go down as a result of being adjacent to public transport. That does not happen anywhere in the world. The last time I was in Hong Kong, a couple of years ago, they were building a new cross-harbour tunnel from the mainland to the island, which they were funding out of the property rights of two 90-floor towers at the stations at either end of the tunnel. Property values are actually more likely to appreciate in the long term—this is the issue I mentioned before—because of proximity to efficient and effective public transport. If public transport is delivering numbers of people to or past your property, then the likelihood is that your property values will increase rather than go the other way.

They are the issues in relation to compensation. No, I would not claim that we had satisfied the Property Council totally. We had gone some way to allaying its concerns, but we have not consulted with it directly on those issues since we decided not to proceed with the project. Nevertheless, my view is that the provisions that are here are reasonable. I think the suggestions made by the member for Gregory, which we have picked up in the amendments, improve what we had previously. That is why we were happy to pick up those suggestions. They will appear in the Government's amendments.

The member for Gregory referred to my second-reading speech. He said that I spoke about some provisions I was applying to light rail but which did not seem to be applying to busways. There are a couple of issues which do apply to light rail and which do not apply to busways—accreditation, for example. Becoming an accredited operator is an issue for light rail because we were believing that another party was going to operate the light rail, but accreditation is not necessary for the busway because we are operating the busway. So there are actually some provisions in respect of light rail that are peculiar to light rail, but most of the things the member talked about—investigation, tenure, incident management and so on—do actually apply to both in the legislation. I referred to them in my second-reading speech in their light rail context only, but the legislation actually covers those issues for both light rail and busways. It is in the legislation; I just did not cover it in detail in my second-reading speech.

Another issue related to whether there should be an appeal or review process when temporary access is granted to a property. I was not clear, but I understand that the issue the member referred to relates to the chief executive officer having the power to grant temporary access during construction and there being no appeal of that decision. Once again, this is not new to this legislation. That is the current established policy which applies to all transport infrastructure. It is the principle in the Transport Infrastructure Act, and we are now applying it to the busway and light rail Bill.

Once again, it is not a new provision. For example, under the current provision the chief executive has to give three days' notice. In this Bill the chief executive has to give seven days' notice if they want to come on to a property. This does not relate to emergency situations—there are other provisions which apply in emergency situations—but, once again, some of the things we are stipulating in this Bill are actually improving on or increasing the degree of responsibility that the chief executive has to discharge in order to comply.

The reason we do not have a formal merit-based review process is basically time. If we were to have to go off to some court to have an appeal heard, it would have to be listed, and we would have to go through some kind of hearing process and we would have to wait for a decision. And this is all actually during the construction phase of a particular project. Things could be delayed for months and months. We have a system of notification and other protections and then the judicial review process applies. So if a person does not agree with the decision they can seek a judicial review and they can go through the judicial review process. There are other safeguards built into the legislation. It is important that people do not read this Bill in isolation and as in some way precedent setting because in most cases it is not. It is picking up legislative principles that exist in the Transport Infrastructure Act, the Land Acquisition Act and others and restating them here.

The member for Gregory mentioned the costs of the SET project. Yes, the SET project has come in at a higher cost than was originally budgeted. The Pacific Motorway has come in at a higher cost than was originally budgeted. I cannot tell the member what the final figures will be. In the case of the Pacific Motorway we are still in negotiations with contractors over claims. In the case of the SET project, we are still building it. I think the member should be careful about criticising us for additional costs when in fact the most significant additional cost on the SET project was caused by the realignment through South Bank. I am not going to go through that issue again—I am not trying to bait the member—but that has been the most significant cause for cost increase on the SET project.

The member for Gregory did mention the number of amendments and the amendments being made to other bits of legislation. I do appreciate the points he made in relation to that. I guess I would have to describe it as a less than perfect situation. I will briefly canvass the issues. In respect of the land acquisitions for the SET project, the member made the comment that this was the second time we had legal advice that had changed. That is not strictly correct. We acquired the property of Noble and Elenis at South Bank but, as the member for Hervey Bay mentioned, that matter was overturned by the Supreme Court. The Government's advice did not change; rather, the Supreme Court made a decision that we had to follow.

In relation to the other one, there was Crown Law advice—which the member for Gregory acted upon when he was Minister—which said that the Director-General of the Department of Main Roads was the appropriate agent to act in the acquisition of the land. The Government subsequently received advice which said that that was not the case. Because it was not a road—it is actually a busway, which is probably a moot point in some people's minds—it should have been acquired by the Director-General of Transport. We received fresh advice from Crown Law on that occasion. We had to respond to it. The busway is substantially built. I figured that it was important that that legal matter was corrected as quickly as possible. It does not affect anyone's rights or entitlements. In most cases, all the acquisitions have occurred and the compensation has been settled. I guess there are a few cases that are still going through the courts.

Mr Johnson: Just while you are talking about the busway, I noticed that there is disfigurement already by louts with graffiti. Are practices in place to control that activity?

Mr BREDHAUER: I am not familiar with the area that the member is talking about. I think we will find that once the busways are operational people will be discouraged from standing around on the busways.

Mr Johnson: You know what I'm saying; it looks damned awful.

Mr BREDHAUER: Yes. We have gone to a lot of trouble to try to use graffiti-resistant surfaces. In the long term we will put security measures in place to try to monitor these things. I think the best form of security will be when the buses are whizzing up and down there every couple of minutes. Anyone who wants to stand there with a spray can runs the risk of being skittled.

Graffiti is a problem. We have put a lot of effort into that matter. We will obviously remove graffiti where it becomes an issue. We have put a lot of thought into new technologies, such as using surfaces that are graffiti resistant or that are easier to clean. There is also video surveillance. I am sure that will also act as a deterrent.

I come to the issue in respect of the ports. When the old Harbours Act was repealed, a provision which allowed ports to conduct commercial activities outside of their port boundaries was inadvertently removed and not put in the new Act. This has been picked up only since this Bill was put on the table. For example, the port of Brisbane, which operates the Hiley dredge, technically has no legislative capability to have the dredge operate in any port save the port of Brisbane. As the member for Gregory knows, the dredge operates up and down the coast of Queensland. It is a fairly simple, technical amendment. It is something that was omitted. I thought it was better to try to roll it here to give people that measure of comfort.

Another issue to which I wish to refer concerns CityTrans. When we first kicked off the CityTrans initiative it was suggested to us that there were possible trade practices issues and that we could deal with those issues either by regulation or by legislation. We put through a regulation at the time and that has enabled us to proceed to this stage. Subsequently, we sent an inquiry to Trade Practices. We were told that it was probably better to have legislation. That is why I am putting it in here. We are actually kicking off the CityTrans project in the next couple of weeks. We have a regulation which covers it but, given that it has been recommended to us that it would probably be better to have legislation, we put it in here. I take the member for Gregory's point. It is probably not the best way to do it but, under the circumstances, this seemed like a useful vehicle to make sure that we signed all those things off.

Three members on the other side of the Chamber referred to the Alert Digest and to the concerns that were raised by the Scrutiny of Legislation Committee in respect of certain provisions in this Bill. All the members who read the Alert Digest picked up those issues. However, one has to read the subsequent issues because the Scrutiny of Legislation Committee writes to me as Minister and says, "These are our concerns." I write back to the committee and my response is recorded in subsequent editions of the Alert Digest. In each case we were able to satisfy the concerns of the committee on the issues that had been raised. It is just part of the process of dialogue, I guess, between a Minister's office and the Scrutiny of Legislation Committee in an effort to resolve these matters. I realise that these matters are not always resolved, but in this case the issues were resolved.

The member for Tablelands raised the issue of the Government's decision not to have taxis on busways. Essentially, the reason is that it is a busway. Taxis will benefit from improved access to the city

from the south in the transit lanes when they are constructed. In terms of the most efficient operation of the buses, we took a policy decision that we would not allow taxis on the busways.

May I say to the member for Gregory that I appreciate the kind remarks he made about Bob Higgins, in particular, as well as Don Steele and others, when he spoke about the Pacific Motorway project and the South East Transit Project. I know that my departmental officers appreciate the genuine way in which the member for Gregory means his remarks when he makes them.

My director-general is obviously a person who has played a very important role in this matter. John Gralton, who has now retired as Deputy Director-General of Transport, had a lot to do with the light rail project. I would also like to mention Les Ford, who is my Executive Director (Major Projects) and all the people who worked on the light rail team. The member for Gregory would appreciate the amount of time, effort and resources that those people sank into the light rail project.

Politically we make decisions from time to time about whether projects go or not but, notwithstanding that, an awful lot of effort was put in by people in the Department of Transport on the light rail proposal. I have told them this personally, but I would like to put it on the record of the Parliament that I appreciate the effort they put into the project. It is not wasted. A body of knowledge and experience is gained through that process and that will stand us in good stead for the future.

I would also like to thank all of those people in my department who have been involved with this Bill. It has been on the table for five months. We have been anxiously awaiting an opportunity to get up and debate it and have the Bill hopefully passed by the Parliament. To those people I also add my thanks. With those few words, I commend the Bill to the House.
